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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	CC Dkt. No. 99-200
Number Resource Optimization	)	
	)	RM No. 9258
Connecticut Department of Public Utility	)	
Control Petition of Rulemaking to Amend the	)	
Commission's Rule Prohibiting Technology-	)	
Specific or Service-Specific Area Code Overlays	)	
	)	
Massachusetts Department of	)	NSD File No. L-99-17
Telecommunications and Energy Petition for	)	
Waiver to Implement a Technology-Specific	)	
Overlay in the 508, 617, 781 and 978 Area Codes	)	
	)	
California Public Utilities Commission and the	)	NSD File No. L-99-36
People of the State of California Petition for	)	
Waiver to Implement a Technology-Specific or	)	
Service-Specific Area Code	)	
	)	

**Reply Comments of Omnipoint Communications, Inc.**

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August 30, 1999

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### Summary

Omnipoint Communications, Inc. ("Omnipoint") encourages the Commission to follow the developing industry consensus in this proceeding and require rate center consolidation before initiating other conservation methods. While most of the states appear to oppose such mandatory rate center requirement, the slow pace with which the states have implemented this measure in the past points as well as their apparent bias favoring non-structural conservation measures such as number pooling points to the need for Commission action. As Omnipoint demonstrated in its initial comments, and here stresses again, a true, long-term solution to the inefficiencies driving the shortages of numbering resources must depend upon rate center consolidation. Moreover, the Commission must ensure through federally-established guidelines that traditional rate centers do not continue to form the basis for code allocations and for national numbering policy.

Omnipoint continues to oppose prematurely imposing number pooling on CMRS providers, prior to the time that they will technologically be able participate in number portability. Omnipoint conditionally supports the use of number pooling as a conservation method, however, provided four specific conditions are met. These conditions are: (1) rate center consolidation must be implemented industry-wide as a precondition to pooling; (2) number pooling must be governed by national guidelines; (3) number pooling must be implemented in a non-discriminatory manner for each industry segment; and (4) local number portability has been implemented for all participants in industry segments that are capable of participating in pooling. Omnipoint also stresses again that CMRS providers

are extremely efficient users of numbering resources, and that no critical need has been shown justifying the forced inclusion of CMRS carriers in number pooling prior to the year 2002, when they will begin providing number portability.

Omnipoint agrees with the Commission that participation in the NANPA's Central Office Code Utilization Study ("COCUS") should become mandatory for all carriers, in substitution for the voluntary system now in effect. Omnipoint stresses that the NANPA should serve as the single, nationwide point of collection for such utilization data, and should act as a clearinghouse for numbering data. Such reports should be standardized for all carriers in all markets, should be submitted on a semi-annual basis, and should be protected as confidential unless released in aggregate form, with all specific references to individual carriers removed, due to the sensitivity of the data. Omnipoint demonstrates that it is highly inefficient for state regulators to have duplicative power to demand numbering data from carriers, which again points to the need for a regular, uniform and centralized report to the NANPA.

Omnipoint supports the use of auditing carriers for cause and at random, as a means of ensuring that their demands for numbering resources are accurate and as a means of giving teeth to the COCUS. Omnipoint does not support the establishment of regular, periodic audits however, which would impose an exacting and expensive regulatory burden without necessarily providing value. In addition, while Omnipoint believes that audits must be coupled with a credible enforcement mechanism, Omnipoint opposes giving the NANPA the power to impose penalties or withhold code assignments during an audit.

Omnipoint supports the adoption of improved verification measures that would

link the allocation of new numbering resources to specific “fill rate” demonstrations by carriers. Omnipoint also believes that the Commission should streamline the allocation process for new codes so that once a carrier has demonstrated its need for additional numbering resources, the codes should be assigned to the carrier within a specific timeframe. State regulators should not be allowed to extend this process with their own administrative proceedings, which adds uncertainty to the process and which should be unnecessary once more accurate reporting and forecasting methods are in place. Omnipoint supports the use of a 65 percent fill rate as the threshold for additional non-urban codes, and a 45 percent fill rate for urban codes. Omnipoint also supports requiring carriers to place both initial and growth codes in service within six months of assignment, subject to reclamation.

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**Reply Comments of Omnipoint Communications, Inc.**

Omnipoint Communications, Inc. ("Omnipoint"), by its attorneys, respectfully submits its reply comments in the above-captioned proceeding.<sup>1</sup>

**I.     The States Should Be Required to Implement Rate Center Consolidation Before Initiating Other Conservation Measures**

Based on the comments submitted by telecommunications carriers in the initial comment cycle, it is clear that an industry consensus is developing that rate center consolidation is essential to crafting a long-term solution to the current number resource

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<sup>1</sup>     See In the Matter of Number Resource Optimization et al., Notice of Proposed Rulemaking, CC Dkt. No. 99-200, RM No. 9258, NSD File Nos. L-99-17 and 99-36 (rel. June 2, 1999)("Public Notice").

shortages.<sup>2</sup> Based on the comments submitted by state regulators, however, it seems apparent that a majority of the states do not share this opinion. While the New York Public Service Commission (“New York PSC”) and the Colorado Public Utilities Commission (“Colorado PUC”) do allow that rate center consolidation is an important tool,<sup>3</sup> others – such as the states of California, Ohio, Massachusetts and Wisconsin – oppose requiring rate center consolidation as a precondition for other relief measures.<sup>4</sup> Most of the other state regulators that submitted comments in this rulemaking ignore rate center consolidation altogether – a striking omission in light of the industry’s response, as well as the fact the Commission’s Notice of Proposed Rulemaking (“NPRM”) squarely raised the issue.

The states’ response should be troubling to the Commission, and plainly shows that while the states currently have the authority to implement rate center consolidation,

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<sup>2</sup> See Omnipoint Comments at 5-14; Ad Hoc Telecom Users Committee at 16-19; Association for Local Telecommunications (“ALTS”) Comments at 8 and 21; Ameritech Comments at 29-33; AT&T Corp. Comments at 33-35; MCI Worldcom Comments at 21-24; Nextel Communications Comments at 10-12; PageNet Comments at 3-4; Personal Communications Industry Association (“PCIA”) Comments at 16-20; Sprint PCS Comments at 19-21; and United States Telephone Association Comments at 6-7.

<sup>3</sup> See New York PSC Comments at 17 and Colorado PUC Comments at Section 20.

<sup>4</sup> See California Public Utilities Commission Comments at 6-11, 23 (arguing that rate center consolidation would not be in the public interest due to rate rebalancing); Maine Public Utilities Commission Comments at 15-18 (opposing rate center consolidation); Massachusetts Department of Telecommunications and Energy Comments at 7 (opposing requiring rate center consolidation as a precondition for number pooling); Ohio Public Utilities Commission (“Ohio PUC”) Comments at 27-29 (arguing that it would be inappropriate to condition the grant of additional numbering authority upon rate center consolidation due to the variance of local conditions); Wisconsin Public Utilities Commission Reply Comments at 3-4 (opposing requiring rate center consolidation as a precondition for number pooling).

most are slow and reluctant to do so. Instead, the states prefer to focus on short-term or non-structural conservation methods such as number pooling, which they apparently believe will skirt the basic inefficiencies built into the design of the current numbering system.

While it is true that rate center consolidation may in some instances be costly and complicated (as well as politically sensitive), and may not resolve every situation of exhaust, it is also clear that a true, long-term and national solution to numbering shortages will depend upon rate center consolidation, as Omnipoint demonstrated in its initial comments. The implementation of conservation measures is not a solution in itself. Until rate center consolidation is implemented more widely, conservation methods like number pooling will merely attempt to resolve the existing systemic inefficiency by imposing a second set of inefficiencies and costs, none of which will cure the underlying design problem. Moreover, these inefficiencies are not cost free: carriers and the public will suffer together as they absorb the costs of the technological, personnel and administrative burdens created by the use of these conservation methods.

Omnipoint therefore disagrees with the Ohio PUC's claim that "the incentive to consolidate rate centers where possible and practical already exists."<sup>5</sup> If this were truly the case, state commissions would employ rate center consolidation far more frequently than is currently the case. And while Omnipoint allows that rate center consolidation may not be the sole solution to every jeopardy proceeding, this does not excuse the resistance of most states to use rate center consolidation as the primary means of resolving

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<sup>5</sup> See Ohio PUC Comments at 28-29.



numbering shortages, before skipping to secondary conservation measures such as number pooling.

The past record of the states should speak for itself on this issue. Given their demonstrated reluctance to consider or implement rate center consolidation on their own, even in the face of the current numbering shortages, the Commission should require state regulators to implement rate center consolidation before it grants any additional authority to the states to implement other conservation methods. Alternatively, the Commission should require the states to initiate rate center consolidation as a long-term solution, while simultaneously allowing the states limited and carefully controlled authority, subject to national guidelines, to implement specific, short-term conservation measures. While the states may object to the resources such initiatives will take, and will likely object to such a showing in the face of the “urgency” of their needs, the Commission should not allow the states’ claims to divert it from resolving the underlying inefficiencies that are built into the current number allocation system. Moreover, for competitive reasons as well as efficiency, the Commission should ensure that federally established guidelines for number assignment and administration do not perpetuate Incumbent Local Exchange Carrier (“ILEC”)-defined rate centers as the template for national numbering policy.

As Omnipoint indicated in its initial comments, the current system of allocating numbering resources on the basis of rate centers is an unfortunate – and inefficient – holdover from the era of monopoly carriers. It is also the primary cause of numbering exhaust.<sup>6</sup> As such, it requires reform in order to ensure the long-term viability of the

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<sup>6</sup> See Initial Omnipoint Comments at 6-11; see also SBC Communications (“SBC”) Comments at 7-12 (addressing the need for new market entrants to establish a “footprint”

NANP. Such reform, however, is currently taking place at a maddeningly slow pace. Omnipoint believes that it is no longer appropriate for the nation's numbering resources to be tied to an underlying network architecture based upon ILECs. Omnipoint further believes that perpetuating this antiquated and dysfunctional system is inconsistent with the objectives of encouraging local competition and replacing active regulatory oversight with open competition between carriers.<sup>7</sup>

The Commission should discount the claims of some state regulators that number pooling is more cost effective or efficient than rate center consolidation. Indeed, the quick assumption by these states that number pooling better serves the public interest highlights their biases. Although a few states have implemented number pooling trials, no cost analysis has been done at the federal level to ascertain what pooling will cost if it is implemented nationally, or even implemented in the top 100 MSAs. Without a definitive cost analysis, the comparative impact on local telephone rates between rate center consolidation and number pooling simply cannot be determined. Neither method is cost free, and both will eventually exact a price both on the industry and on consumers. Given the balance of interests, Omnipoint believes that these costs are better spent on a long-term solution to the underlying inefficiency of the current rate center system, rather than

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in existing rate centers and its effect on numbering exhaust) and MCI WorldCom Comments at 24-27 (pointing out that conservation measures that do not address the reduction of "footprint" will be unnecessary or even counterproductive).

<sup>7</sup> Were the costs of local telephone service not so inextricably tied to the rates of a single dominant carrier, states would have more freedom to establish rate centers that met the needs of their constituents, such as realigning rate center boundaries so they are consistent with municipal or county boundaries. State regulators should therefore be encouraged, in as many ways as possible and as frequently as proves necessary, to break from the existing structure of local exchange markets.

on a short-term technological fix that avoids reforms necessary to the long-term health and continued viability of the NANP.

## **II. Number Pooling Should Not Prematurely Be Imposed on Carriers**

Omnipoint conditionally supports the use of number pooling as a conservation method once it is technologically possible for carriers to participate. However, Omnipoint stresses that it will only support number pooling once all of the following preconditions have been met: (1) rate center consolidation must be implemented industry-wide; (2) number pooling must be governed by national guidelines; (3) number pooling must be implemented in a non-discriminatory manner for each industry segment; and (4) Local Number Portability must be implemented for all participants in an industry segment that are capable of participating. Omnipoint particularly opposes permitting only some carriers in an industry segment to obtain waivers from participating in number pooling, while other carriers are forced to comply. Omnipoint believes that this result would be discriminatory as well as inefficient.

Before addressing this issue further, Omnipoint wishes to point out that since CMRS providers provide service over much larger geographic areas than wireline carriers, they are already achieving most the efficiencies that rate center consolidation and number pooling seek to create. As Omnipoint showed in its initial comments, CMRS providers typically obtain NXX codes in 10 to 13 percent of the rate centers encompassed in the service area they cover.<sup>8</sup> As a result, a CMRS provider may spread a single NXX code of

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<sup>8</sup> See Initial Omnipoint Comments at 9.

10,000 numbers over an area that is 8 to 10 times larger than a wireline carrier.<sup>9</sup> Moreover, the numbers within the NXX blocks assigned to wireless carriers are available for assignment throughout their service area, wherever there is demand, without constraint by individual rate centers.<sup>10</sup> Since carriers such as Omnipoint are able to assign their numbers so efficiently, and are able to assign their numbers where they are needed over such a large area, Omnipoint therefore believes that CMRS providers have already achieved a form of “wireless only” number pooling. This efficiency actually may serve to harm CMRS providers, however, in that a shortage of numbers will affect their entire service area rather than a single rate center.<sup>11</sup> It is therefore ironic that number pooling may lead CMRS providers to face shortages as the numbers within their NXX codes are ported out and pooled to meet the demands of less efficient carriers. It is also ironic that such pooling-driven shortages may require CMRS providers to request more NXX codes in additional rate centers so that they will have sufficient resources to meet their customers’ demand for numbers in a pooling environment.

Several commenters, such as the Florida Public Utilities Commission (“Florida PUC”) have cited the NANPA NANP Exhaust Study as justification for their conclusion that CMRS providers must participate in number pooling.<sup>12</sup> Omnipoint wishes to underscore that the NANPA Exhaust Study is only a model, based on hundreds of

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<sup>9</sup> Id.

<sup>10</sup> Id. at 10.

<sup>11</sup> Id.

<sup>12</sup> See Florida PUC Comments at 7-10.

assumptions by NANPA (and some of which, as Omnipoint and others have noted, are either totally wrong or subject to significant question).<sup>13</sup> For example, the NANC commissioned both a Working Group and – more recently, to answer the questions the Commission poses in Paragraph 165 of the NPRM – an Issue Management Group (“IMG”) to assess both the model’s accuracy and the impact of CMRS pooling on the model. It should be noted that the NANC has not forwarded the results of the IMG’s findings to the Commission because the IMG itself was unable to agree on any conclusions except: (1) pooling will delay NANP exhaust; and (2) a delay by any industry segment (including CMRS) of several years (from 2000 to 2003) in implementing pooling will not significantly impact NANP exhaust.<sup>14</sup>

In fact, although the NANPA’s model indicates that a delay in pooling implementation by either paging, CMRS, or CLECs would have a one year to two year impact on NANP exhaust (estimated to take place in or around the year 2094), the model predicts that ILEC delay in pooling will have no impact on exhaust at all.<sup>15</sup> This prediction is so profoundly counter-intuitive that it throws the entire NANPA model under deep suspicion. Flaws and biases of this kind make clear that the Commission must treat the NANP Exhaust Study’s predictions and models with skepticism.

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<sup>13</sup> See Initial Omnipoint Comments at 24-27; see also PCIA Comments at 23-26; SBC Comments at 15-24; and GTE Service Corp. (“GTE”)Comments at 4-8.

<sup>14</sup> See Draft of Final Report, NANC PARAGRAPH 165 IMG, Effects of Thousand Block Pooling on NANP Exhaust (Aug. 24, 1999).

<sup>15</sup> Id.

Omnipoint also notes that although considerable time was spent by the NANC and its working groups on analyzing the impact of number pooling on exhaust, no such effort was spent on – nor was direction ever given to – studying the impact of rate center consolidation. This fact strongly undermines the assertions by many states that number pooling is an efficient and cost-effective conservation measure.

As a result, based even upon the NANPA's flawed model, no critical need has been shown that justifies the forced inclusion of CMRS carriers in number pooling prior to the implementation of Local Number Portability, or at any point prior to meeting the conditions identified on page 6, infra. The NANPA's flawed model does not supply any evidence that requiring CMRS carriers to engage in number pooling before that time will have any long run effect on the continued viability of the NANP.

### **III. Participation in the COCUS Should Become Mandatory for All Carriers**

Omnipoint supports the Commission's goal of improving the NANPA's ability to gather and compile complete, accurate and representative data from the industry. For this reason, Omnipoint agrees that the Commission should make mandatory the participation of all carriers in the NANPA's Central Office Code Utilization Study ("COCUS"), and replace the voluntary system now in effect. Without the participation of all carriers, the COCUS will continue to be of little use as a predictive tool for accurate forecasting and planning.<sup>16</sup>

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<sup>16</sup> Most of the carriers and industry associations filing comments in this proceeding favor requiring mandatory participation in a revised COCUS or in a replacement survey. See VoiceStream Comments at 15; MCI WorldCom at 41-42; AT&T Comments at 19-20;

Omnipoint strongly believes that that the NANPA should serve as the single, nationwide point of collection for numbering resource utilization data, and should serve as a clearinghouse for this information. Since the NANPA can readily share this information both with the Commission and with state regulators, Omnipoint opposes giving the states coextensive authority to engage in similar monitoring. As Omnipoint's experience in the current jeopardy proceedings has shown, it would plainly be both highly inefficient for the states to have duplicative powers to demand this data from carriers – as well as for carriers to respond to numerous state information requests, in different formats, and at different times, rather than submitting this data to the NANPA once, at regular intervals.<sup>17</sup> It should also be unnecessary if the proper reforms are made. If the NANPA is given sufficient centralized authority to monitor numbering usage – and to compel carriers to submit the necessary data, in an accurate and timely fashion, there will be no need for the states to serve this role as well. As such, the NANPA's powers should be enhanced, and the states should rely on the NANPA for industry information and number utilization data rather than the reverse.

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Sprint Comments at 23-24; Airtouch Communications, Inc. Comments at 17; GTE Comments at 21-22; SBC Comments at 49-51; PCIA Comments at 31-32.

<sup>17</sup> State information requests generally require additional numbering information, information at a different level of detail and/or granularity, or information in a different format than that submitted for COCUS reports. Some state requests require quarterly forecasts, or otherwise seek information beyond the scope of the COCUS. Worst of all, many state requests are vague, must be answered within a very short time frame, carry the threat of sanctions if they are not completed by the states' deadlines, and are completely uncoordinated with the activities of other regulatory bodies. All of this imposes a significant and harassing burden on carriers.

Omnipoint supports the Commission's proposal that carriers be required to submit COCUS reports to the NANPA on a semi-annual basis.<sup>18</sup> This frequency will ensure that the NANPA's utilization data remains current, but also ensures that the NANPA will not receive too much data for it to digest (which is especially important in light of the many other functions the NPRM proposes that the NANPA take on). Moreover, requiring quarterly reports would place a significant burden on carriers without necessarily improving the quality of the NANPA's data.<sup>19</sup>

Omnipoint believes that the level of detail for COCUS reports should be standardized, and should be the same for all carriers, in all markets, regardless of whether or not an NPA is in jeopardy. COCUS reporting should produce uniform data, and for the sake of efficiency carriers should not be required to make individualized judgements as to the level of detail they must provide in each particular case.

To further improve the COCUS' utility, Omnipoint generally supports increasing the level of detail at which carriers would report their utilization data to the NANPA. While Omnipoint takes no position at this time on the specifics of such reforms or the granularity of the data that would be required, Omnipoint stresses that all COCUS data submitted by carriers should be presumed confidential. Due to the sensitive nature of

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<sup>18</sup> See NPRM at ¶ 77.

<sup>19</sup> As AT&T correctly notes, there would not be enough change in carriers' numbering usage within the three-month intervals used in quarterly reports to justify the burden. See AT&T Comments at 21; see also ALTS Comments at 13-14 (quarterly reporting would be an "extreme step" without any assurance that the added cost and effort would be of value). As MCI WorldCom also points out, semi-annual reporting would be a reasonable compromise that would at once improve the accuracy of the COCUS data while avoiding the overburdening of smaller carriers. See MCI WorldCom Comments at 40.



utilization data, and due to the risk that competitive harm may come to carriers whose COCUS reports become public, the Commission should assure that such data will not be released by the NANPA to the states without assurances that its confidentiality will be protected.<sup>20</sup> Omnipoint supports proposals that if the NANPA releases COCUS data to the public (such as in a report), it should do so only in aggregate form and must remove all references to specific code-holders.<sup>21</sup> Moreover, Omnipoint supports releasing COCUS data to state regulators only in aggregate form, and strongly believes that carrier-specific COCUS data should only be provided to the states pursuant to enforceable confidentiality agreements.<sup>22</sup>

#### **IV. Audits Should Occur For Cause and On a Random Basis**

Omnipoint supports the Commission's proposal to establish auditing procedures as an incentive for carriers to report their need for numbering resources accurately and as a means of giving teeth to the COCUS. Omnipoint does not support requiring all carriers to undergo routine periodic audits, however. By their nature, such periodic audits would be an exacting and expensive regulatory burden for carriers. Since there are literally thousands of code-holding carriers that would need to comply, periodic scheduled audits would either be exorbitantly expensive to the industry – even if they were scheduled as

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<sup>20</sup> See MCI WorldCom Comments at 42 and PCIA Comments at 32-33.

<sup>21</sup> Id.

<sup>22</sup> Accord, MCI WorldCom Comments at 42 and SBC Comments at 56-57; see also AT&T Comments at 19 (providing the states with aggregate data will lessen the burdens associated with meeting different state reporting requirements and would mitigate confidentiality concerns).

infrequently as once every five years – or valueless to the NANPA due to the extended time period between submissions. At the same time, routine audits would also lend themselves to manipulation by carriers precisely because of their predictability, and would allow dishonest parties to tailor their behavior accordingly.

Omnipoint believes that audits will be most effective if they are conducted on a for-cause basis and on a random basis. In contrast to any routine regulatory requirement, both of these measures would better ensure carrier compliance with the NANPA's requirements due to the element of surprise that is involved. Moreover, by singling out only random carriers for the burden of a comprehensive audit, Omnipoint believes that such non-routine checks would improve the accuracy of carrier code requests and reports without raising the baseline regulatory burdens of all carriers.

While Omnipoint believes that audits must be coupled with a credible enforcement mechanism, Omnipoint opposes granting the NANPA the power to assess penalties. Similarly, Omnipoint does not support allowing the NANPA to withhold codes during the period while an audit is underway. Both of these measures would exceed the NANPA's intended functions as a broker and an industry clearinghouse, and would delegate to the NANPA a role for which it is not well suited. Instead, enforcement measures should be referred by the NANPA to the Commission. This does not mean that the NANPA should not be permitted to withhold codes from carriers that have not submitted appropriate support for the numbering requests, however. Omnipoint believes that such control over numbering resources is clearly within the NANPA's authority.

**V. New Codes Should Be Assigned Once Threshold Utilization Rates Are Met**

Omnipoint supports the adoption of improved verification measures that would link the allocation of new numbering resources to specific showings of need by carriers. As a closely related issue, however, Omnipoint believes that the Commission should also streamline the process by which carriers are assigned additional numbering resources. Specifically, Omnipoint proposes a requirement that once a carrier reaches a particular fill threshold and demonstrates its need for additional numbers, the threshold should trigger the release and assignment of the necessary NXX codes by the NANPA within a specific timeframe –such as within the NANPA’s existing ten-day period – so that fast-growing, competitive carriers will be able to get sufficient numbers to serve their customers.

State regulators should not be allowed to extend the number allocation process, pending the termination of their own administrative proceedings, or to impose their own conditions on use of the codes.<sup>23</sup> If the COCUS data collection is improved and carrier requests for the assignment of new codes are subjected to potential audits, the NANPA should be able to provide all the necessary data to the states without the need for independent factfinding. Moreover, better forecasting and more efficient use of existing numbers should lift the need for “emergency” state conservation proceedings such as those in Massachusetts and Pennsylvania, which are hampering Omnipoint’s ability to obtain sufficient numbers and which have no end in sight. Simply put, once other reforms are put in place, the states’ authority to investigate and implement area code relief should not prevent carriers with a proven, certified need for numbering resources from obtaining

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<sup>23</sup> Accord, MCI WorldCom Comments at 25.

them on a timely basis. Particularly in the case of CMRS providers, which conduct up to 40 percent of their annual business during the fourth quarter of the year, carriers need assurance that if they will receive the necessary codes without delay once they have demonstrated their need and otherwise complied with the request guidelines.

Omnipoint agrees with the Commission that applicants for growth codes should be required to prove the legitimacy of their need for additional numbers, both as a means of preventing hoarding and ensuring efficient, need-based code allocations. For this reason, Omnipoint supports the use of verifiable utilization thresholds, under which carriers would need to demonstrate their need to receive additional numbering resources on an expedited basis.<sup>24</sup>

The threshold that would trigger the release of numbering resources would clearly be different for initial codes and growth codes. For initial codes, Omnipoint believes that carriers should continue to be required to demonstrate their certification and/or licensing to serve the relevant geographic area prior to the assignment of NXX codes and, thereafter, be required to place the codes in service within six months, subject to reclamation.<sup>25</sup> For growth codes, Omnipoint supports adopting a 65 percent “fill rate” of existing codes as the trigger for obtaining additional NXX number blocks. In order to account for the inevitable lag in placing growth codes into service once they are assigned –

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<sup>24</sup> Accord, VoiceStream Comments at 13.

<sup>25</sup> Omnipoint does not believe that additional details, such as a specification of the network and facilities that will be used to provide service or business plans, should be required. Accord, Nextlink Comments at 15. The certification that the applicant be licensed and/or authorized to provide service, as well as the deadline for putting the new code in service, should prove adequate if they are enforced. Moreover, they will not raise the administrative burden of obtaining numbering resources.

which can be as much as ninety days -- such fill rates should be based upon a carrier's customer growth projections rather than its actual utilization rate at the time the new code is ordered. This measure will help prevent carriers from running out of assignable numbers during periods of peak demand.

Omnipoint also supports VoiceStream's proposal that different fill rates be used for rural and urban areas in order to accommodate differences in the speed with which existing NXX codes are filled.<sup>26</sup> Omnipoint agrees that such separate utilization thresholds will more accurately track demand, and will better reflect a carrier's need based upon the characteristics of its local customer base. For example, in urban areas Omnipoint would support the use of a lower 45 percent fill rate as an application trigger.<sup>27</sup>

Lastly, Omnipoint supports the use of a six-month reclamation period for assigned growth codes. This time period would balance the time lag carriers typically face in placing a new code in service once it has been requested -- which may take nearly ninety days -- with the need to take back unneeded, hoarded, and inefficiently used codes so that they may be reassigned.

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<sup>26</sup> See VoiceStream Comments at 13-14.

<sup>27</sup> Id.

## VI. Conclusion

For the foregoing reasons, Omnipoint encourages the Commission to implement rate center consolidation before initiating other conservation measures, to avoid prematurely imposing number pooling on carriers, to require mandatory participation in the COCUS for all carriers, and to establish a program of random and for-cause audits backed with a credible enforcement mechanism. Omnipoint also supports the adoption of measures that would link number allocations to specific carrier fill rates, which would trigger the release and assignment of codes within a specific timeframe, as well as the adoption of a six-month reclamation period for assigned codes.

Respectfully submitted,



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August 30, 1999

## CERTIFICATE OF SERVICE

I, Michael B. Adams, Jr., hereby certify that I am an attorney with the law firm of Blooston, Mordkofsky, Jackson & Dickens and that a copy of the foregoing **"REPLY COMMENTS OF OMNIPOINT COMMUNICATIONS, INC."** was served this 30th day of August, 1999, by messenger to the persons listed below.

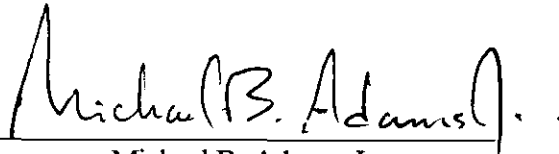
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